Tobacco Is Indicated 1003543410

Surgeon Testifies Smoking Is Killer

By ARTHUR JOHNSEY
Herald Staff Writer

A surgeon who operated on contractor Edwin M. Green textified Wednesday he believes the lung cancer that caused Green's death was "due to his heavy smoking."

Dr. DeWitt C. Daughtry gave a federal court jury the first testimony directly linking tobacco smoking with the Coconut Grove man's death in 1958.

Dr. Daughtry, assistant professor of surgery at the University of Miami medical school, took the stand as a witness for Green's estate in its damage suit against the American Tobacco Co.

The suit contends the company failed to warn Green its cigarets contained tars perhaps injurious to his health.

Other witnesses had testified the contractor smoked Lucky Strike cigarets, a product of American Tobacco, regularly for 30 years and only occasionally smoked other brands.

The surgeon testified that "epidermoid cancer," due to smoking, was the cause of death.

In fact, Dr. Daughtry told the jury, he could not recall a single case of this particular type of cancer in his experience that occurred "without a history of smoking."

On cross examination Dr. Daughtry acknowledged that scientists do not know what happens in the lung cells to produce epidermoid cancer.

He also admitted that the medical record in Green's case disclosed another sympton — a difficulty of getting his food down for two years before he died.

Dr. Richard Overholt, Boston chest surgeon, testified after reading the Green medical history that he believed smoking had some relation to his death.

"If this man had not smoked he would not have died of lung cancer at the time," he said, and added "we don't know about the future."

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Heavy Smoker For 40 Years But No 'Habit'

A tobacco company's top official has been smoking "60 to 80 cigarets a day for more than 40 years" and he hasn't gotten the nicotine habit yet, a Federal Court jury was told Thursday.

The statement was made by John A. Crowe, American Tobacco Co. senior vice president, in a deposition ready by lawyers for the estate of a man who charged that the firm's cigarets gave him lung cancer.

The attorneys for Edwin M. Green, Miami contractor who died in 1958, were sounding Crowe out on his own smoking habits.

"Ever give up smoking? they asked him.

"No."

"Ever attempt to give up smoking?"

"No."

Then they asked him several times if he thought the nicotine in cigarets are habit forming.

Crowe testifed the nicotine "hasn't affected me" even though he has been smoking three to four packs a day for more than 40 years.

The attorneys also questioned Crowe closely on what American Tobacco has done in researching cancer and heart disease tie-ups with smoking.

Crowe called the field "health" problems and said his firm had joined the Tobacco Industry Research Committee, but he said he was vague on specific activities.

American Tobacco has a research director, he said. Crowe himself is in charge of research but he tesified that he is the money man with underlings doing the work.

Judge Emett Choate told the jury — 11 smokers, one abstainer — the trial was recessed until Monday. The court has criminal and bankruptcy issues today.

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Cigaret Firm Case Trimmed

A federal judge Monday threw out some of the claims on which the late Edwin M. Green's estate is asking damages from a cigaret manufacturer because of his death from lung cancer.

Judge Emett Choate directed the dismissal of the action insofar as it is based on charges the defendant, American Tobacco Co., misrepresented its cigarets.

The estate of Green, a Coconut Grove contractor, is attempting to prove his lung cancer was brought on by heavy smoking for 32 years.

Choate also directed dismissal of charges the company violated a specific warranty that its product was safe, or that it had violated the U.S. Food, Drug and Cosmetics Act.

His directed verdict that a part of the complaint be dismissed came at the end of the plaintiff's testimony.

Left in the complaint are allegations that American Tobacco is liable for damages based on negligence and violation of an implied warranty that the cigarets are safe.

The implied warranty is the type of assurance that grows out of the company's offering of its product on the market.

Attorneys for Green's estate have offered witnesses in an attempt to prove the company was negligent in failing to remove tars and minute traces of arsenic they contend were harmful.

Testimony for the defense is scheduled to begin today.

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